IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 518 OF 2006
IN
NOTICE OF MOTION NO. 3658 OF 2004
IN
SUIT NO. 3554 OF 2004

Rajan Brijmohan Kapur] .. Appellant (Ori.Plaintiff)

Versus

1. Mahendra Jaichand Kapoor & 49 ors.] .. Respondents (Ori.Defendants)

Mr. Rajeev Kumar i/b M/s. N.N. Vaishnawa & Co. for the appellant.

Mr. Rajiv Narula with Mr. A. Dasgupta i/b M/s. Jhangiani Narula & Associates for the respondents 1 & 2.

Mr. Birendra B. Saraf with Mr. Basant Tilokani i/b M/s. Basant Tilokani & Co. for respondent No.5.

Mr. Shailesh Shah with Mr. Ketan Chotani for respondents 6-46, 48, 50.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: 29TH AUGUST, 2006

P.C. :

. Mr. Rajeev Kumar, the counsel for the appellant submits that the appellant is not only desirous of withdrawing the Appeal, but he is also desirous of withdrawing the Suit with liberty to him to file Suit in appropriate court having jurisdiction for the reliefs claimed by the plaintiff in the Suit. He

also prays that Court fee be refunded.

2. The prayer made by the counsel is fair and reasonable and the prayer is not opposed by the counsel for defendants.

3. The Appeal, as well as the Suit are allowed to be withdrawn. The plaintiff may be refunded Court fee as per law.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]